

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

IN RE: Teri L Ruta

Debtor

Case No. 16-11036

Chapter 13

Hearing Date: September 29, 2016

Hearing Time: 12:30 pm

**TRUSTEE'S OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND REQUEST
FOR INFORMATION AND DOCUMENTS TO RESOLVE OBJECTION**

Andrea E. Celli, Chapter 13 Standing Trustee for the Northern District of New York (the "Trustee"), states the following as and for her objection to confirmation of the Chapter 13 Plan.

1. The Debtor filed the petition for relief on Jun 03, 2016.
2. The Debtor's Proposed Plan provides as follows:

Start	Periods	Amount	Type
07/01/2016	60.00	\$200.00	MONTHLY

so that general unsecured creditors receive the greater of:

Liquidation:	\$0.00
Disposable Income (B22C - Line 59 x 60):	\$0.00
Percentage Repayment:	52.00

3. The Trustee objects to the confirmation of the Debtor's proposed plan on the following grounds:
 - **Liquidation.** The Plan does not provide general unsecured Creditors with at least as much as they would have received if the Debtor had filed a Chapter 7 liquidation proceeding as required pursuant to 11 U.S.C. § 1325(a)(4).
 - The Trustee seeks additional information to determine the minimum liquidation value of this estate as follows:
 - Evidence of perfection of mortgages as follows: Freedom Mortgage Corporation/Carrington Mortgage Services (one mortgage)

WHEREFORE, the Trustee respectfully requests that this Court issue an Order denying confirmation of the plan or briefly adjourning the hearing on confirmation to allow the movant to resolve the objection contained herein.

Dated: September 14, 2016

/s/ Andrea E. Celli

Andrea E. Celli, Chapter 13 Trustee

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AFFIDAVIT OF SERVICE

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KATIE ROBBINS, BEING DULY SWORN, DEPOSES AND SAYS: THAT SHE IS OVER THE AGE OF 18 YEARS; THAT SHE SERVED A COPY OF TRUSTEE'S OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND REQUEST FOR INFORMATION AND DOCUMENTS TO RESOLVE OBJECTION DATED SEPTEMBER 14, 2016 ON THE FOLLOWING MANNERS: ON SEPTEMBER 14, 2016.

VIA ELECTRONIC FILING:

Office of the United States Trustee
74 Chapel Street
Albany, NY 12207

MICHAEL J TOOMEY, ESQ
THE TOOMEY LAW FIRM, PLLC
ONE SOUTH WESTERN PLAZA
PO BOX 2144
GLENS FALLS, NY 12801

VIA REGULAR U.S. MAIL

Teri L Ruta
3B Birdie Drive
Queensbury, NY 12804

BY DEPOSTING A TRUE AND CORRECT COPY OF THE SAME PROPERLY ENCLOSED IN A POST-PAID WRAPPER IN THE OFFICIAL DEPOSITORY MAINTAINED AT 7 SOUTHWOODS PLAZA, ALBANY, NEW YORK DIRECTED TO SAID PERSON(S), AT SAID ADDRESSES.

/s/ KATIE ROBBINS

KATIE ROBBINS

Sworn before me this
14th day of September, 2016

/s/ Bonnie S. Baker

Reg. # 02BA5073612

Notary Public - State of NY

Qualified in Albany County

My Commission Expires 02/24/2019